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February 22, 2008

By E-File

The Honorable Gregory M. Sleet
Chief Judge
United States District Court
District of Delaware
844 North King Street
Lock Box 19
Wilmington, Delaware 19801

Re: Smilow v. Barrett, et al. – C.A. No. 08-cv-93-JJF
Tobias v. Barrett, et al. – C. A. No. 08-cv-103

Dear Chief Judge Sleet:

We are co-counsel, along with Gibson, Dunn & Crutcher LLP, for defendants in the above-referenced derivative actions. The *Smilow* action has been assigned to Judge Farnan “in lieu of Vacant Judgeship” and the *Tobias* action is currently unassigned. Because plaintiffs’ civil cover sheets failed to indicate a related action, I am writing pursuant to Local Rule 3.1(b) to advise the Court of defendants’ position that the derivative actions should be considered as related to *In re Intel Corp. Microprocessor Antitrust Litigation*, MDL-05-md-01717-JJF (the “MDL Action”), which is assigned to Judge Farnan. Because the MDL Action and the derivative actions are related, we request that the derivative actions be permanently assigned to Judge Farnan. Permanent assignment of the case to Judge Farnan would also avoid “substantial duplication of labor if heard by different judges,” given his knowledge of the underlying antitrust claims.

I am available at Your Honor’s convenience should Your Honor have any questions or comments.

Respectfully,



Stephen C. Norman (#2686)
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cc: Clerk of the District Court (By E-File)
The Honorable Joseph J. Farnan, Jr. (By E-File)
Brian D. Long, Esquire (By E-File)
Jonathan C. Dickey, Esquire (By Email)